

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

318P0459

HOUSE COMMERCE ENGROSSED NO. **HB 1142** - 2/7/2008

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Dreyer, Brunner, Buckingham, Dykstra, Elliott, Gilson, Halverson, Haverly, Heineman, Kirkeby, Krebs, Lust, Miles, Novstrup (Al), Novstrup (David), Olson (Betty), Olson (Russell), Pederson (Gordon), Peters, Rave, Rounds, Tidemann, Wick, and Willadsen and Senators Gant, Abdallah, Dempster, Gray, Hauge, Heidepriem, Katus, Koetzle, Maher, McCracken, Nesselhuf, Olson (Ed), Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to authorize additional off-sale retail liquor licenses in
2 certain municipalities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-4-4 be amended to read as follows:

5 35-4-4. No person, corporation, or business entity may ~~be the holder of~~ hold or have an
6 interest in more than three retail licenses issued under subdivision 35-4-2(3), (4), (6), or (13).
7 However, a person, corporation, or business entity may hold or have an interest in three
8 additional retail licenses issued under subdivision 35-4-2(4) if the licensee derives more than
9 fifty percent of the licensee's annual gross receipts from the sale of food at the location where
10 the license is held. Any person, corporation, or business entity may hold or have an interest in
11 additional retail licenses issued under subdivision 35-4-2(3) in municipalities of the first class
12 if the licensee derives more than fifty percent of the licensee's annual gross receipts from the



1 sale of food, prepared food, and food ingredients at the location where the license is held. Any
2 such new licensee under subdivision 35-4-2(3) shall sell its alcoholic beverages, other than malt
3 beverages, in an area which is separated by a physical barrier from the rest of the establishment.
4 For the purposes of this section, a physical barrier includes a wall or fence erected for the sole
5 purpose of separating the area in which the alcoholic beverages are sold from the rest of the
6 establishment. For purposes of this section, location means one contiguous piece of real estate
7 on which sales are generated by the licensee.